# **Section IV**

**Farmland** 

# Overview

## History and Need

The Land for Maine's Future Program protects farmland through the purchase of development rights and other methods. The Program works with the Department of Agriculture, Food and Rural Resources and cooperating entities to bring farmland protection proposals to the Land for Maine's Future Board.

In 2005, Maine voters approved a \$12 million LMF bond, which sets aside \$1 million of these funds for farmland protection.

# Appropriate Use of the Fund

The Land for Maine's Future Program assists in the acquisition of conservation easements or in rare instances fee simple rights on farmland with a goal of protecting Maine's productive farm assets from conversion to non-agricultural use(s). The Program seeks to protect prime agricultural soils as well as lands that are productive for crops that do not rely on prime agricultural soils.

Anyone proposing a farmland project must determine if it truly fits under the well-defined purpose of farmland protection, or if it is more appropriate for the Conservation and Recreation Land category. If the primary purpose of a proposal is to protect a working farm -- and it has a secondary or minor conservation or recreation component -- then the project falls under the farmland category. On the other hand, if the primary purpose of the proposal is conservation or recreation -- and it has a secondary or minor component that involves the protection of agricultural values -- then the project falls under the Recreation and Conservation Land category. The purpose statement noted on the next page should be your principal guide in making this distinction and determining which proposal category you should use.

# Who Can Apply

The Department of Agriculture, Food & Rural Resources has the primary responsibility for bringing farmland protection projects to the Land for Maine's Future Board. To develop a proposal and have it considered by the Land for Maine's Future Board, an individual, municipality, or other cooperating entity must work with the Department of Agriculture and receive departmental sponsorship. Your local land trust or the Maine Farmland Trust may be able to assist you in developing a proposal. You may also contact the Land for Maine's Future Program. These contacts are listed on page 78.

# Purpose

# **Purpose**

The purpose of the LMF effort in this area is to protect Maine's prime agricultural soils (nonrenewable resources and agricultural soils of statewide importance) from conversion into nonagricultural uses that would permanently eliminate the productive soil resource. This does not preclude those lands that are most productive for crops that do not rely on prime agricultural soils, such as blueberries.

The LMF seeks to protect properties with these soils that also support farming operations in areas that currently retain a viable agricultural economy.

# Proposal Process

The Land for Maine's Future Board established a process for the public to propose projects that protect working agricultural lands through the purchase of agricultural conservation easements or outright purchase. The proposal process outlined below is for farmland owners and cooperating entities, who must work with the Department of Agriculture, Food & Rural Resources. Title to easement or fee may be held by a cooperating entity providing the entity has the demonstrated ability to own and manage land. If you have any questions about your proposal or the LMF process, you can call (207) 287-1485 and speak to a member of the Land for Maine's Future Program staff.

# Farm Inquiry Form

This form (Appendix B) can be submitted at any time. It provides the Department of Agriculture and the Land for Maine's Future Program staff with the information they need to determine if your project meets established criteria.

# Proposal Review Process for Farmland Protection Proposals

- 1) Proposal Period: Proposals must be received by the Land for Maine's Future Program at the closing date of the Proposal Period. Proposal applications must be endorsed by the Department of Agriculture and be complete to be accepted. Incomplete proposals will be returned for additional information. Applicants are advised to contact the Department of Agriculture substantially in advance of the actual deadline. Contact the Program Director for dates of the next Proposal Period.
- 2) Scoring Procedure: Once your proposal is reviewed by Program staff and determined to be complete, it will be scored using the 100-point scoring system found on page 64. All farmland proposals submitted to the Board will be individually scored, using this system, by Program staff. As an applicant, it is important that you carefully review both the five primary scoring criteria and the "threshold criteria," which will be used by the Land for Maine's Future Board in considering your proposal.

All proposals will be reviewed and scored by the Board's Scoring Committee. The full list of scored proposals are then given to the Board's Nominations Committee. The Nominations Committee flags any special issues or attributes and presents a list of recommended finalist projects to the full Board. The Board reviews the proposals, selects the finalists, and determines funding. Please note that scores are a guide for the Board; the Board will make the final decision.

Proposals that are not selected will be returned to applicants. All applicants will be contacted and notified of the status of their proposal after final Board decisions.

# Scoring System for Evaluating Farmland Proposals

Developed in Partnership with the Maine Department of Agriculture, Food and Rural Resources

Each farmland protection proposal will be scored using this system. The scoring system assigns points according to the relative value of criteria associated with a farmland protection proposal. The "other criteria" found at the end of the scored criteria are considered by the Board when it compares and considers the top farm proposals.

The five scored criteria and the maximum points that can be awarded for each are:

- 1. productive farm assets including soils, tillable land, pasture land, water resources, woodland, buildings, etc. (25 Points);
- 2. documented current and emerging threats from conversion that would reduce or eliminate the farm's productive potential (25 Points);
- 3. significance to regional and local markets, both existing and emerging including service providers to farms (25 Points);
- 4. open space and public benefits as they contribute to the scenic and landscape values, character of the town/region where it is situated and where public access/protection can be secured for conservation, recreation, wildlife, and education use/values (10 Points); and
- 5. community planning and support, both local /regional for farming and farmland protection (15 Points).

#### PRIMARY SCORING CATEGORIES

	Total Possible Points f	for Each
Category		
Productive Farm Assets		25
• Current and Emerging Threats to Conversion		25
Significant to Regional and Local Markets		25
• Open Space, Cultural, and Other Public Benefits		10
Community Planning and Support		15
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	Total Points	100

# The Scoring System

## 1. PRODUCTIVE FARM ASSETS (Maximum Points = 25)

Explanation: The focus is prime agricultural soils; however, it is also recognized that other factors influence the productivity of a farm. These include, but are not limited to, the following: lands that are productive for crops that do not rely on prime agricultural soils; other types of natural resources available on a farm currently devoted to or having the potential for income-generating and agricultural-based uses, such as a sugar bush, woodlot, farm stand, mix of crop, hay and pasture land, and farm infrastructure (barns, buildings, processing facilities, etc.). Collectively, these serve as indicators of the existing and potential productivity of a farm's assets. The applicant must have a conservation plan for the farm approved by the USDA Natural Resource Conservation Service.

SCORE

# 2. CURRENT AND EMERGING THREATS TO CONVERSION (Maximum Points = 25)

Explanation: The degree of threat to farmland can be reflected in the patterns and trends of development within a town or region. In some parts of Maine, little or no development pressure exists and farming is the basis of a stable or growing economy. In other parts of Maine, sprawl and development pressures are consuming irreplaceable and productive agricultural assets at an ever-increasing pace. Being able to recognize where loss of valuable farmland is imminent is an important step in determining where funds should be applied.

# 3. SIGNIFICANCE TO AND CONDITION OF REGIONAL AND LOCAL AGRICULTURAL ECONOMY

(Maximum Points - 25)

Explanation: The contribution to regional or local agricultural processors, local retail and wholesale farm sales and emerging markets, the use of local services, and providing for employment are factors that help in determining the significance of a farm enterprise in maintaining the farming infrastructure within a region or locality. Also considered in this category is the vitality and viability of the agricultural economy of the region in which the project is located and the proximity of the project property to other active farms and farmland.

**Points** 

The farm is highly viable or has the potential of becoming highly viable. The farm sells or has the potential to sell a **significant** quantity of products to meet local consumer demand, or the needs of other farmers, and is highly important to maintaining the local services infrastructure because of its use of these resources. The regional and local agricultural economy is viable and stable.

18 - 25

The farm is moderately viable or has the potential of becoming moderately viable. The farm sells or has the potential to sell a **moderate** quantity of products to meet local consumer demand, or the needs of other farmers, and is moderately important to maintaining the local services infrastructure because of its use of these resources. The regional and local agricultural economy is threatened and/or declining................................. 9 - 17

The farm's viability, and its potential to become viable, is low. The farm can only produce a **small** quantity of products to meet local consumer demand, or the needs of other farmers, and is unimportant to maintaining the local services infrastructure because of its use of these resources. The regional and local agricultural economy had declined to a low level and no longer can maintain a service infrastructure.

0 - 8

SCORE	

# 4. OPEN SPACE, CULTURAL AND OTHER PUBLIC BENEFITS (Maximum Points = 10)

Explanation: Open space, cultural and other public benefits within a community are often provided through the presence of farmland. Farms can give a region or a town an identity or sense of place, add to the quality of life for people living in an area thus making it an appealing place to live, or may contribute to the tourism economy by

providing a scenic value. The relationship among the natural landforms, cultural elements, agricultural lands, and non-agricultural land uses contributes to the distinctive landscape character and rural beauty of the region or town where the farmland proposed for protection is located. Additionally, farmlands support habitat for wildlife, access for hunting, fishing, or boating, and provide for various forms of outdoor recreation. Some of these benefits accrue to the citizens at large simply by protecting a farm (scenery, open spaces, historic viewscapes), while others require the establishment of public rights of access or management rights. Whenever a landowner is willing to include a component of public access for any of these, this additional public value, along with open space and cultural values, will be awarded points.

# 5. COMMUNITY PLANNING AND SUPPORT FOR AGRICULTURE (Maximum Points = 15)

Explanation: Level of community support is an important measure of local and regional efforts that can significantly further the Land for Maine's Future Program's farmland protection goals. Community support comes in a wide range of initiatives such as the existence of a comprehensive plan that recognizes the importance of farms to the quality of life or local identity, adoption of land use ordinances designed to protect prime farmland soils, property tax incentives that encourage/help farmers stay in farming, or zoning that encourages development to take place in growth areas. Other initiatives may also include support for locally produced produce such as its

local distribution to institutional buyers, the establishment of farmers markets, and strong relationships between local farmers and school programs.

**Points** 

SCORE

# Threshold Criteria Relating to Farmland Proposals

The Land for Maine's Future Board follows established policies and guidelines when it makes decisions on which projects to fund. A complete list of other Board policies and guidelines are found in Section I on page 5.

**Threshold Criteria:** Threshold refers to the Board's expectation that all proposals address the following as minimum requirements. In rare cases, a proposal that does not meet these criteria will be considered

Willing Seller: The owner(s) has agreed in writing to allow the sponsoring agency or cooperating entity to consider the purchase of his/her property or an easement on the property.

**Appraised Value:** The owner is willing to accept at or below fair market value based on an appraisal that conforms to Land for Maine's Future appraisal standards (see Appendices E and F).

**Match:** A proposal is expected to have a match greater than or equal to 1/3 of the total eligible project costs. This means that for every \$2 of LMF funds, there must be \$1 of match funds. Furthermore, of the total match, the ratios of match type must be the following:

- No more than 30% of the match can be the value of services customarily associated with land or interest in land acquisition (appraisal, survey, title work, legal work, ecological and archeological inventory); and
- 70% must be in the form of land, cash or other tangible assets. When considering land in fee or easement as match, it is the responsibility of the applicant to document the value to be used as match. To qualify as LMF match, the cooperating state agency must appear in the chain of title.

For example, if a proposed property has an estimated total project cost of \$150,000 (including land and all other eligible expenses), it would be eligible for up to \$100,000 in LMF funds, and there would have to be a match of at least \$50,000. Of this \$50,000 match, up to 30% of \$15,000 could be in-kind services needed for the land acquisition, and at least 70% of \$35,000 would have to be in donated land value, cash, or other tangible asset. If a project proposal includes a contribution to a dedicated stewardship/management endowment of the state agency that will hold title (or easement) on the property, this may be considered a tangible asset. Contribution to a qualifying stewardship account is statutorily capped at 20% of land's appraised value.

Ownership & Organizational Capacity: An applicant must have sponsorship of the Department of Agriculture and have reached agreement with the agency regarding ownership and management of the property or easement. The Department is typically seeking to acquire or support the acquisition of agricultural conservation easements on viable, working farms. The Department will support the acquisition of fee interest in a working farm by a town or qualifying non-profit organization when there is a commitment to transfer ownership to a new farmer or lease the land to a farmer. If this model is anticipated, the applicant is strongly encouraged to consult with the Department of Agriculture staff. If ownership of the conservation interest acquired is to be held by a party other than the Department (e.g. under a project agreement (see Q #4 on page 9 and Appendix H) the Board will require an applicant to demonstrate the capacity to undertake the project with a reasonable prospect of bringing it to a successful conclusion. The Board may consider all relevant factors including without limitation level of debt, fund raising, past land conservation activity and transactions, organizational history, scope of conservation vision, and evidence of success in building and sustaining land protection campaigns. In addition, the Board will consider whether or not the proposed title or easement holder has the ability, experience, and resources to manage the property appropriately.

**Project Readiness:** Project readiness is a criterion that reflects the degree of due diligence applied and the certainty of a successful LMF project. It is intended to be a guide to project selection decisions. The readiness level is determined by the cumulative progression of items completed.

A graduated scale indicating the level of commitment and likelihood a project will be completed in a predictable timeline.

- Level 1 4 items completed
- Level 2 3 items completed
- Level 3 2 items completed
- Level 4 1 item completed
- Level 5 0 items completed

#### Readiness items include:

- Completed appraisal
- Final easement or fee acquisition conditions completed
- Cost Share commitment established
- Signed option or purchase and sales agreement
- Preacquired and held by a third party at the request of the State

# Application Format and Instructions

## **General Guidelines for Applicants**

All applicants are required to provide good maps, aerial photos, and as much supporting information as you feel is necessary for the Board to better understand your project and the values it addresses. Carefully read through this section, to learn what the Board wishes to see in a well-rounded proposal. All applicants are required to use the following application structure and numbering sequence and to provide complete information for categories. If not applicable, indicate so by placing a N/A.

A template for the application is available from the Department of Agriculture (call Stephanie Gilbert at 287-7520). If a category is not applicable please indicate by using the words "not applicable" in the appropriate location.

Eight copies of your proposal should be sent to:

Land for Maine's Future Program State Planning Office 38 State House Station Augusta, Maine 04333-0038 Telephone #: (207) 287-1485

In addition, one copy of the application must be sent to the Department of Agriculture, Food and Rural Resources.

## 1) Applicant

Name, address, and phone number of the applicant and the primary contact person.

# 2) Agency Sponsor

In this case it will be the Department of Agriculture, Food and Rural Resources. Please be sure that you have contacted the agency and they support your proposal.

# 3) Date of Application

Indicate the date you submitted your application

## 4) Project Title/Name of Farm

This is the name by which your proposal will be catalogued by Program staff.

## 5) Location of the Project

Provide us with the name of the township and county.

### 6) Size

Indicate how many acres your project encompasses.

## 7) Owner(s)

Include address, phone number, fax and e-mail (if available). A letter from the landowner(s) indicating their willingness to be considered in the project must be included in the application.

#### 8) **Partners**

Other entities supporting this project. Include address, phone number, fax, e-mail (if available)

# 9) Names of individuals knowledgeable about the farm site and proposal.

List the names of individuals who can speak directly to the various farm values which your proposal will protect and include a telephone where they can be reached.

# 10) Total Financial Summary

Use the form in Appendix G. Note: the Board will not consider an application with an incomplete budget.

#### 11) **Project Description**

Include an introductory narrative description of the entire project.

### 12) Location Information

Provide a selection of easy to read maps including (no larger than 11"X17")

- a) Maine Atlas Base Map showing project location and regional perspective
- b) USGS Topographic Base Map showing entire boundary of proposed project, legal access and adjacency of other public and private conservation lands.
- c) Aerial Photo showing project location, boundaries, buildings, land use types

- d) Other Maps as Appropriate showing significant wildlife habitat, endangered species/significant natural communities/ outstanding physical features/proposed public access, trails, etc./ context of the project within a greenbelt plan, comprehensive plan, etc.
- e) NRCS County Soil Survey map or with property located on a Soil Conservation Plan map

#### 13. **Productive Farm Assets**

List and describe every productive farm asset that contributes to the productivity of the farm. These include, but are not limited to, the following: prime or unique soils, or soils of statewide importance; lands that are productive for crops that do not rely on prime agricultural soils; and other types of natural resources available on a farm that are currently devoted to or have the potential for a diversity of incomegenerating and agricultural-based uses, such as a sugar bush, woodlot, farm stand, mix of crop, hay and pasture land, types of farm structures available, etc. Collectively, the Board seeks indicators of the existing and potential productivity of a farm's assets. Include the farm's conservation plan and note when it was last updated by the Soil & Water Conservation District or Natural Resource Conservation Service (USDA). Also note if the farm has a forest management plan and when that was last updated.

# 14. Current and Emerging Threats to Conversion

Indicate the degree of threat to farmland as reflected in the patterns and trends of development within a town or region. The Board is seeking indications that the farm is **highly, moderately,** or **not at all** threatened by conversion to other uses because of development pressure in the adjacent or surrounding area, and development for nonagricultural uses. Indicate the time frame in which these threats are going to become imminent and include one or more of the following to document the potential for conversion to non-farm uses of the lands proposed for protection: a) full fair market value appraisal, with, if applicable, before easement and after easement values; and/or (b) during the previous two years, the number of subdivision permits issued, the number of new house lots approved, the number of building permits issued in the town or township within which the proposed easement is located. A good source for this information is your town office.

## 15. Significance to Regional and Local Markets

Document the farm's economic viability or its potential for economic viability, as defined by current or potential markets. Document the farm's contribution to regional or local agricultural processors, local retail and wholesale farm sales and emerging markets, the use of local services, and provisions for employment. These are factors which help in determining the significance of a farm enterprise in maintaining the farming infrastructure within a region or locality. Using **Significant**,

**Moderate** or **Slight** as terms of measure, indicate whether the farm sells, or has the potential to sell, a quantity of products to meet local or regional consumer demand, or the needs of other farmers, and is important to maintaining the local services infrastructure because of its use of these resources.

## 16. Open Space, Cultural and Other Public Benefits

Open space, cultural and other public benefits within a community are often provided through the presence of farmland. Farms can give a region or a town an identity or sense of place, add to the quality of life for people living in an area thus making it an appealing place to live, or it may contribute to the tourism economy by providing a scenic value. The relationship between the natural landforms, cultural elements, agricultural lands, and non-agricultural land uses contributes to the distinctive landscape character and rural beauty of the region or town where the farmland proposed for protection is located. Additionally, farmlands support habitat for wildlife, access for hunting, fishing, or boating, and provide for recreational use such as: hiking, bird watching, snowshoeing, cross-country skiing or a setting for natural resource education activities. Some of these benefits accrue to the citizens at large simply by protecting a farm (scenery, open spaces, and historic viewscapes) while others require the establishment of public rights of access or management rights. Where ever a landowner is willing to include a component of public access or permanent protection for any of these, these additional public values along with open space and cultural values will add to the project's score.

Please be specific when indicating which of these values are part of your proposal, and how they will benefit or be permanently protected through your proposal. Be sure to provide documentation and good descriptions for any of the values you indicate are present

# 17. **Community Support**

The level of community support is an important measure of local and regional efforts that can significantly further the Land for Maine's Future Program's farmland protection goals. Community support comes in a wide range of initiatives such as the existence of a comprehensive plan that recognizes the importance of farms to the quality of life or local identity [the local plan itself should be consistent with the State's Growth Management Act], adoption of land use ordinances designed to protect prime farmland soils and/or farming activity, property tax incentives that encourage/help farmers stay in farming, or zoning that encourages development to take in growth areas or the like. Other initiatives also include support for locally produced produce such as its local distribution to institutional buyers; the establishment of farmers' markets and relationships between local farmers and school programs.

Indicate the level of community support (significant, moderate, or minimal level of support) and be specific with the examples you associate with your proposal. Provide documentation in the form of letters of support, copies of town zoning ordinances, excerpts from a comprehensive plan, etc.

## 18) Estimate of monitoring and management costs

An entity submitting a proposal to acquire property or an interest in property with funding from the Land for Maine's Future Fund shall provide:

- A description of the management envisioned for the property for the first 10 years following acquisition. When the application proposes acquiring an interest in property, the application must provide a description of the anticipated management responsibilities retained by the landowner and those to be assumed by the State or a cooperating entity;
- Preliminary estimates of the costs to the State or a cooperating entity of managing the land for the uses proposed in the application; and
- Preliminary estimates of the costs associated with monitoring compliance with an easement when an interest in land is acquired.

# 19) Project Readiness

Project readiness is a criterion that reflects the degree of due diligence applied and the certainty of a successful LMF project. It is intended to be a guide to project selection decisions. The readiness level is determined by the cumulative progression of items completed.

A graduated scale indicating the level of commitment and likelihood a project will be completed in a predictable timeline.

- Level 1 4 items completed
- Level 2 3 items completed
- Level 3 2 items completed
- Level 4 1 item completed
- Level 5 0 items completed

#### Readiness items include:

- Completed appraisal
- Final easement or fee acquisition conditions completed
- Cost Share commitment established
- Signed option or purchase and sales agreement

- Preacquired and held by a third party at the request of the State
- **Organizational capacity:** Describe the applicant's capacity to undertake the project with a reasonable prospect of bringing it to a successful conclusion. The Board will consider all relevant factors including without limitation level of debt, fund raising ability, past land conservation activity and transactions, organizational history, scope of conservation vision, and evidence of success in building and sustaining land protection campaigns. Be sure to describe the proposed title or easement holder's ability, experience, and resources to manage the property appropriately.

# List of Contacts/Cooperating Entities

*NOTE:* When contacting these agencies and organizations, include a base map with the proposed area clearly outlined on a USGS topographic map or on a DeLorme Atlas map, with the map number identified. Also include your name, address and phone number along with specific questions you would like them to respond to. Remember that these agencies may be receiving many such requests and your requests should be legible and concise.

# State & Federal Agencies

State Planning Office State House Station # 38 Augusta, ME 04333 Tim Glidden, Director Land for Maine's Future Program

tel: (207) 287-1485

Dept. of Agriculture, Food & Rural Resources State House Station # 28 Augusta, Maine 04333 Stephanie Gilbert

Farmland Protection Program Manager

tel: (207) 287-7520

Natural Resource Conservation Service 967 Illinois Avenue, Suite 3 Bangor, Maine 04401 Bill Yarmartino, Assistant State Conservationist for Program Delivery Federal Farmland Protection

Tel: (207) 990-9100

# **Non-Profit Organizations**

Maine Farmland Trust P.O. Box 1597 Bucksport, Maine 04416

tel: (207) 496-6465

American Farmland Trust 6 Franklin Square, Suite E Saratoga Springs, NY 12866

tel: (518) 581-0078

email: neaft@farmland.org

Maine Coast Heritage Trust Bowdoin Mill, One Main Street Topsham, ME 04086 207-729-7366 www.mcht.org

Trust for Public Land 245 Commercial Street Portland, Maine 04401 207-772-7424

**NOTE**: For the name of your nearest land trust, please contact one of the above non-profits.